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Attorneys for Plaintiff Louisiana Pacific Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LOUISIANA PACIFIC CORPORATION,

Plaintiff,

vs.

MONEY MARKET 1 INSTITUTIONAL
INVESTMENT DEALER, MERRILL
LYNCH & CO., INC., MERRILL LYNCH,
PIERCE, FENNER & SMITH
INCORPORATED, AND DEUTSCHE
BANK SECURITIES INC.,

Defendants,

Case No. C 09 03529 JSW

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME TO FILE
OPPOSITION TO DEUTSCHE BANK
SECURITIES INC.'S MOTION TO
TRANSFER VENUE PURSUANT TO
28 U.S.C. § 1404(a)**

1 WHEREAS, on June 10, 2009, the United States Judicial Panel on Multidistrict
 2 Litigation centralized four actions before the Honorable Loretta A. Preska in the Southern
 3 District of New York, captioned *In re Merrill Lynch Auction Rate Securities Litigation*, 1:08-cv-
 4 3037-LAP; *Community Trust Bank, Inc. v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 1:09-cv-
 5 5403-LAP; *Louisiana Stadium & Exposition District, et al. v. Financial Guaranty Ins. Co., et al.*,
 6 1:09-cv-5404-LAP; and *The Cooperative Bank, et al., v. Merrill Lynch, Pierce, Fenner & Smith,*
 7 *Inc.*, 1:09-cv-5405-LAP (the “Centralized Actions”);

8 WHEREAS, on July 31, 2009, Plaintiff filed in this Court its complaint (the
 9 “Complaint”) in the above-captioned action (the “Action”);

10 WHEREAS, on August 14, 2009, Defendants Merrill Lynch & Co., Inc. and Merrill
 11 Lynch, Pierce, Fenner & Smith, Inc., filed a Notice of Tag-Along Action with the United States
 12 Judicial Panel on Multidistrict Litigation (“MDL Panel”), seeking to transfer the Action for
 13 coordinated or consolidated pretrial proceedings with the Centralized Actions currently pending
 14 before Judge Preska in the United States District Court for the Southern District of New York;

15 WHEREAS, on September 1, 2009, the Clerk of the MDL Panel entered a Conditional
 16 Transfer Order conditionally transferring the Action to Judge Preska in the Southern District of
 17 New York;

18 WHEREAS, on September 15, 2009, defendant Deutsche Bank Securities Inc. (“DBSI”)
 19 filed a notice of opposition to the September 1, 2009 Conditional Transfer Order;

20 WHEREAS, on September 16, 2009, the MDL Panel issued a stay of its September 1,
 21 2009 Conditional Transfer Order pending the resolution of DBSI’s opposition;

22 WHEREAS, on September 24, 2009, DBSI filed a motion pursuant to
 23 28 U.S.C. § 1404(a) seeking to transfer the Action to the Southern District of New York, but not
 24 seeking consolidation with the Centralized Actions (“DBSI’s Transfer Motion”), and setting a
 25 hearing date of December 4, 2009 for DBSI’s Transfer Motion;

1 WHEREAS, on September 24, 2009, this Court issued an Order Setting Briefing
2 Schedule on Motion to Transfer Venue stating that any opposition to DBSI's Transfer Motion
3 shall be filed no later than October 9, 2009, and any reply brief shall be filed no later than
4 October 16, 2009;

5 WHEREAS, on October 1, 2009, DBSI filed a Motion to Vacate Conditional Transfer
6 Order with the MDL Panel in which DBSI argued that the MDL Panel should not consolidate or
7 coordinate the Action with the Centralized Actions before Judge Preska;

8 WHEREAS, each party in this case may file with the MDL papers in support of or in
9 opposition to DBSI's Motion to Vacate Conditional Transfer Order by October 21, 2009; and

10 WHEREAS, Plaintiff, having recently received DBSI's Motion to Vacate Conditional
11 Transfer Order, requires additional time to evaluate such Motion and to coordinate a response to
12 both the Motion to Vacate Conditional Transfer Order and DBSI's Transfer Motion;

13 Now, therefore, the Parties, through their respective undersigned counsel, hereby
14 STIPULATE, AGREE, and JOINTLY REQUEST the following:

- 15 1. That the deadline for any party to oppose DBSI's Transfer Motion is extended to October
16 16, 2009, and the deadline for DBSI to file any reply brief is extended until October 23,
17 2009.

18
19
20 Dated: October 6, 2009.

Respectfully submitted,

21 **Saveri & Saveri, Inc.**
22 R. Alexander Saveri

23 By: /s/ R. Alexander Saveri
24 R. Alexander Saveri

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Dated: October 6, 2009.

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By: /s/ Sara B. Brody
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Attorneys for Defendants
Merrill Lynch & Co., Inc. and Merrill Lynch,
Pierce, Fenner & Smith Incorporated

Dated: October 6, 2009.

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Dated: October 6, 2009.


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By: /s/ Antoinette Waller
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Institutional Investment Dealer

PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

Dated: October 6, 2009



Hon. Jeffrey S. White
United States District Judge